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DOCKET NO. D-2012-022 CP-1

DELAWARE RIVER BASIN COMMISSION

**Hamburg Municipal Authority
Groundwater and Surface Water Withdrawal
Hamburg Borough and Windsor Township, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Hamburg Municipal Authority (HMA) to the Delaware River Basin Commission (DRBC or Commission) on July 12, 2012 for approval of an allocation of groundwater and surface water and review of a groundwater water and surface water withdrawal project (Application). The surface water withdrawal project was approved by the Commonwealth of Pennsylvania Department of Forests and Waters, Water and Power Resources Board on September 26, 1960 (Water Allocation Permit No. WA-219A). The Pennsylvania Department of Environmental Protection (PADEP) approval for new Well Nos. HMA-6 and HMA-7 is pending.

The Application was reviewed for inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on December 5, 2012.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is for approval of an existing groundwater and surface water withdrawal to supply up to 35 mgm of water to the docket holder's public water supply system from existing Wells Nos. HMA-2, HMA-3, HMA-4, and HMA-5, new Wells Nos. HMA-6 and HMA-7, the existing Furnace Creek Reservoir and existing water filtration plant. The allocation is requested in order to meet existing and projected service area demand. The existing public water supply system was not previously approved by the Commission.

2. **Location.** The project wells and reservoir are located in the Furnace Creek and Schuylkill River Watersheds in Windsor Township, Berks County, Pennsylvania. Furnace Creek in the area of the project wells and surface water reservoir is classified by the PADEP as High Quality (HQ) supporting Cold Water Fishes (CWF). The tributary to the Schuylkill River in the area of Well No. HMA-5 is classified by the PADEP as a Warm Water Fishery (WWF). All of the HMA wells are completed in Hamburg Sequence Rocks.

Specific location information has been withheld for security reasons.

3. **Area Served.** HMA currently serves water to Hamburg Borough and portions of Windsor Township located between HMA's water filtration plant and Hamburg Borough. The service area is outlined on a map entitled "Hamburg Municipal Authority, Public Water System Service Area Map" submitted with the Application. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical features.**

a. **Design criteria.** The HMA water system currently serves water to approximately 5,543 customers on 2,216 domestic service connections and 1 industrial service connection. HMA records an existing average and maximum water demand for year 2011 of 0.482 million gallons per day (mgd) and 0.721 mgd, respectively. The HMA projects the 10-year average and maximum water demand to increase to 0.875 mgd and 1.138 mgd, respectively. The allocation of 35 mgm should be sufficient to meet the future demands of HMA.

b. **Facilities.** The existing and proposed project facilities have the following characteristics:

Groundwater Wells

| WELL NO. | DEPTH | CASED DEPTH/ CASING DIAMETER | PUMP CAPACITY | YEAR DRILLED |
|-------------|-------|------------------------------------|------------------|-----------------|
| HMA-2 | 224' | n/a / 8" | 90 gpm | 1913 |
| HMA-3 | 303' | 34' / 8" | 310 gpm | 1932 |
| HMA-4 | 355' | 80' / 8" | 160 gpm | 1943 |
| HMA-5 | 300' | 50' / 10" | 350 gpm | 1946 |
| HMA-6 (new) | 590' | 62' / 8" | 100 gpm | 2011 |
| HMA-7 (new) | 605' | 110' / 8" | 300 gpm | 2011 |

Surface Water Intake/Reservoir

| INTAKE NO. | WITHDRAWAL WATER BODY | WITHDRAWAL CAPACITY | RESERVOIR CAPACITY | YEAR CONSTRUCTED |
|------------------------------------|----------------------------|------------------------|-----------------------|---------------------|
| Furnace Creek Impounding Dam | Furnace Creek Reservoir | gravity fed 750 gpm | 30 mg | 1960 |

HMA Water Supply Reservoir

The HMA Furnace Creek Reservoir is a 30 million gallon (mg) capacity surface water impoundment located in the headwaters of Furnace Creek. The reservoir captures drainage from approximately 1.456 square miles of the Furnace Creek Watershed. Withdrawals from the

reservoir occur via gravity through an 8-inch diameter cast iron pipe at the outlet structure of the reservoir. The 8-inch diameter pipe conveys the raw water to the down-gradient Furnace Creek Water Filtration Plant. The outlet structure is a gated 30" diameter concrete pipe outlet through the dam. There are weir plates for reservoir inflow measurement from Furnace Creek and also on Furnace Creek at the water filtration plant location downstream of the reservoir. These weirs are used to monitor in-flow to the reservoir and passing flow on Furnace Creek as required by PADEP Water Allocation Permit No. WA-219A issued on September 26, 1960 for an allocation of 0.5625 mgd from Furnace Creek.

Furnace Creek Water Filtration Plant

The HMA Furnace Creek Water Filtration Plant includes a clarifier/flocculation chamber, two 350 gpm Roberts Filters, and facilities for chemical additions. The filters are backwashed to Furnace Creek with a maximum discharge of 0.032 mgd. The filter backwash discharge was approved by the PADEP in NPDES Permit No. PA0086878 on June 12, 2008.

Prior to entering the distribution system, surface water is treated by clarification/flocculation and filtration. All raw groundwater and filtered water is treated with polyphosphate corrosion inhibitor for corrosion control, soda ash for pH adjustment, and chlorinated water solution (from existing chlorine gas cylinders) for disinfection. Water from groundwater sources also undergoes air stripping for radon treatment where necessary.

Total finished water storage is 1.153 mg or approximately 2.4 days of supply.

All water service connections are metered.

All withdrawals are metered.

The project well heads are raised above the 100-year flood elevation.

The water system is not presently interconnected with any other water system.

c. Other. Wastewater is conveyed to the Hamburg Municipal Authority sewage treatment facility most recently approved by DRBC Docket No. D-1992-073 CP-3 on July 14, 2010. The PADEP issued its most recent NPDES Permit No. PA0021601 on October 30, 2009 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the proposed project.

d. Cost. The overall cost of the project wells and connecting infrastructure is estimated to be \$544,603.

e. Relationship to the Comprehensive Plan. The project was not previously included in the Comprehensive Plan.

B. FINDINGS

The primary purpose of the HMA ground and surface water withdrawals is for public water supply of the Borough of Hamburg and a portion of Windsor Township, Berks County, Pennsylvania. The water system has been in service since approximately 1913 and is regulated by the Pennsylvania Department of Environmental Protection (PADEP) under PWSID No. 3060035 and Water Allocation Permit No. WA-219A. The system is owned and operated by the Hamburg Municipal Authority (HMA). Secondary to the public water supply, the water system provides fire suppression in the service area via standard fire hydrants. A water bottling facility is connected to the Authority's system and draws 100 percent of its supply from the public water system.

The HMA current operating procedure is to use the surface water source as the primary source of supply. When the surface water source cannot be used due to high turbidity or low flow conditions (passby flow requirements) from lack of adequate rainfall, HMA will use its groundwater sources. Presently it is an either/or operating condition. Either the surface water is in production or the wells are in production, but they do not run concurrently due to the hydraulic configuration at the effluent manhole.

Well Nos. HMA-2, HMA-3, and HMA-4 are operated together and feed into an air stripper located at the Furnace Creek Water Filtration Plant.

Well No. HMA-5 is located remote to Filtration Plant site and has the ability to pump directly into the water distribution system.

The raw water from New Well Nos. HMA-6 and HMA-7 is to be pumped by new submersible pumps to the existing Furnace Creek Water Filtration Plant for treatment and disinfection before entry into the distribution system. Approximately 1,475 feet of 4-inch diameter transmission main and approximately 1,550 feet of 6-inch diameter transmission main will conduct raw water from the HMA-6 and HMA-7 wells to the Filtration Plant, respectively. Each well will be metered with a 4-inch ultrasonic flow meter upon entrance into the filtration building. Interior piping will allow the operator to choose if the water will be routed to the existing air stripper for radon removal (as currently done for existing Well Nos. HMA-2, HMA-3, and HMA-4) or piped directly to the effluent manhole.

Currently, all water treated at the filtration plant is fed by separate effluent pipes into a common effluent manhole constructed just outside the filtration building. The sources currently feeding into the effluent manhole are: 1) effluent from Filter One (1), 2) effluent from Filter Two (2), and 3) effluent from the radon air stripper which treats water from Well Nos. HMA-2, HMA-3, and HMA-4 combined. A single 12-inch gravity main currently leaves the effluent manhole. Chemical injection of soda ash and polyphosphate occurs at the effluent manhole outlet pipe and chlorine for disinfection is injected into the main approximately 20 feet downstream of the effluent manhole.

Water from New Well Nos. HMA-6 and HMA-7 will also feed directly into the effluent manhole via an existing 6-inch diameter pipe that was constructed during the initial construction

of the filtration plant and blind flanged for future use. There will also be a hard-piped connection for both wells to feed into the existing air stripper unit. At this time, radionuclides sampling results were well below required treatment levels and treatment by air stripping is not necessary. A connection is being added to the air stripper unit for added flexibility if future treatment becomes necessary or desirable.

Chemical injection locations will remain the same in the common outlet pipe of the effluent manhole. Injection of the polyphosphate, soda ash and chlorine are currently flow paced with operation and controls tied into the Authority's SCADA system. Communications signals from the flow meters of each new proposed well will also be added into the SCADA system for continued flow-paced control. After leaving the effluent manhole, treated water travels by gravity to a 1.154 million gallon finished water storage tank. Prior to entering the storage tank, all water travels through 300 feet of 36-inch diameter ductile iron pipe to allow for the required chlorine detention time and log-4 inactivation independent of storage tank volume.

Well No. HMA-6 Pumping Test

In January 2011, the docket holder conducted a 48-hour, continuous-rate pumping test to assess withdrawal capabilities of Well No. HMA-6 and to assess the underlying aquifer characteristics, and potential impacts to the local hydrologic system. The average pumping rate of the test was 125 gallons per minute (gpm) as determined by earlier stepped discharge testing at the well. Discharge from the pumping well was measured with an in-line totalizing flow meter and directed approximately 1,300 feet from the pumping well, outside of the estimated area where recharge effects might be expected. Groundwater response monitoring was conducted in the pumping well (HMA-6), HMA-2, HMA-7, the Krick and Rodgers residential wells, and piezometers PZ-1 and PZ-2 installed in the streambed of Furnace Creek, and PZ-3 installed in the spring/wetland at the Frederick Farm. Total drawdown as a result of pumping in HMA-6 was 95 feet. Total observed drawdown in Observation Well HMA-2 was 3 feet. Observation Well HMA-2 is located approximately 980 feet northeast and along bedrock strike from HMA-6. No drawdown was observed in any of the six other monitoring locations during the 48-hour test. The observed drawdown in Well HMA-6 and Observation Well HMA-2 was used to calculate aquifer parameters to characterize the underlying aquifer. The estimated aquifer Transmissivity ranged from 1,435 gallons per day per foot (gpd/ft) to 12,200 gpd/ft and Storativity was calculated to be 0.001. A 69-day prediction of drawdown extrapolated from the Well HMA-6 pumping test drawdown data indicated that a pumping level of 152 ft below top of casing (btoc) could be expected in the well while continuously pumping at a rate of 125 gpm during a period of no recharge. While no adverse impacts are expected to occur at this pumping rate over an extended period of time, a more conservative estimate of the safe yield for the well is reported to be 100 gpm.

The DRBC has reviewed the hydrogeologic report for the HMA-6 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to pumping from Well No. HMA-6 at a rate of 100 gpm.

Well No. HMA-7 Pumping Test

In February 2011, the docket holder conducted a 48-hour, continuous-rate pumping test to assess withdrawal capabilities of Well No. HMA-7 and to assess the underlying aquifer characteristics, and potential impacts to the local hydrologic system. The average pumping rate of the test was 300 gallons per minute (gpm) as determined by earlier stepped discharge testing at the well. Discharge from the pumping well was measured with an in-line totalizing flow meter and directed approximately 300 feet from the pumping well, outside of the estimated area where recharge effects might be expected. Groundwater response monitoring was conducted in the pumping well (HMA-7), HMA-2, HMA-6, the Krick and Rodgers residential wells, and piezometers PZ-1 and PZ-2 installed in the streambed of Furnace Creek, and PZ-3 installed in the spring/wetland at the Frederick Farm. Total drawdown as a result of pumping in HMA-6 was 110 feet. No drawdown was observed in any of the seven monitoring locations during the 48-hour test. The observed drawdown in Well HMA-7 was used to calculate aquifer parameters to characterize the underlying aquifer. The estimated aquifer Transmissivity ranged from 1,400 gpd/ft to 4,950 gpd/ft. A 69-day prediction of drawdown extrapolated from the Well HMA-7 pumping test drawdown data indicated that a pumping level of 217 ft below top of casing (btoc) could be expected in the well while continuously pumping at a rate of 300 gpm during a period of no recharge. The safe yield for the well is reported to be 300 gpm.

The DRBC has reviewed the hydrogeologic report for the HMA-7 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to pumping from Well No. HMA-7 at a rate of 300 gpm.

Existing Withdrawals

With the exception of New Well Nos. HMA-6 and HMA-7, this project consists of an existing withdrawal of groundwater from Well Nos. HMA-2, HMA-3, HMA-4, and HMA-5 and surface water from the Impounding Dam on the HMA Reservoir. The docket holder has requested allocations for its existing wells and reservoir based on existing water use and existing capacity permitted by the PADEP where applicable. These rates and allocations are provided in Condition C.II.d. in the DECISION Section. As the impacts from the existing withdrawals have already been realized by the local hydrologic system, there should be no significant impacts from continued withdrawals from the existing system withdrawals.

Passby Flow

The docket holder maintains two weirs to monitor both in-flow to the reservoir and streamflow in Furnace Creek below the reservoir and currently uses these to comply with the passby flow condition described in PADEP Water Allocation Permit No. WA-219A. Below the Furnace Creek Dam, Furnace Creek has an estimated seven-day low flow with a recurrence interval of ten years (7Q10) of 0.15 cfs (0.09694 mgd). PADEP Water Allocation Permit No. WA-219A requires that a minimum flow of 0.225 cubic feet per second (cfs) or 0.14541 mgd or in-flow to the reservoir if less than this amount be maintained at all times in Furnace Creek below the reservoir. Impounding operations and water diversions at the Furnace Creek Reservoir must not cause streamflow in Furnace Creek to be less than 0.225 cfs (0.14541 mgd) below the reservoir as measured at the downstream weir. When streamflow below the reservoir is less than 0.225 cfs as measured at the downstream weir, no surface water withdrawals shall be made and

the entire natural in-flow to the reservoir, as measured at the in-flow weir, must be allowed to pass as described in condition C.II.i. in the DECISION Section.

Surface Water Charges

The HMA constructed and maintained the Furnace Creek Reservoir prior to the establishment of the DRBC. Article 5.1.3.D, of the DRBC Basin Regulations – Water Supply Charges provides:

“Notwithstanding the provisions of A., B. and C., there shall be no charge for water made available from storage where: (1) The cost of the storage facility has or will be otherwise paid for by the user; (2) such storage controls a drainage area; and (3) the use does not exceed the yield of such storage without augmentation from other surface water of the basin.”

HMA meets the conditions of Article 5.1.3.D and therefore is not required to pay water supply charges to the Commission for withdrawals from the Furnace Creek Reservoir as: 1) the HMA, has paid for and maintains the Furnace Creek Reservoir storage facility; 2) the Furnace Creek Reservoir storage facility controls a drainage area; and 3) the HMA’s use does not exceed the yield of the Furnace Creek Reservoir storage facility without augmentation from other surface water of the basin.

DRBC Entitlement No. 116 entitles HMA to withdrawal 17.1 million gallons per month (1.710 mgm consumptive use and 15.390 mgm non-consumptive use) from the Furnace Creek Reservoir without surface water charges. Since the certificate is not required to preserve the docket holder’s right to not pay water charges, the Certificate will no longer be in effect upon approval of this docket. The docket holder will continue to report monthly consumptive and non-consumptive surface water usage to the Commission on an annual basis as described in Condition C.II.f. in the DECISION Section.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use, however the estimated 0.1 to 0.35 mg of water sold to the water bottling facility results in a consumptive use of 100 percent of total water used for this purpose. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). The results of the first annual water audit shall be submitted to the Commission by March 31, 2013. Subsequent annual water audits shall be submitted annually to the Commission by March 31 every year thereafter.

The project is designed to conform to the requirements of the Water Code and Water Quality Regulations of the DRBC.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2012-022 CP-1, the project and the appurtenant facilities described in the Section A “Physical features” shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its water allocation and public water supply permits, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with and report to the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The wells, reservoir, impounding structure, water filtration plant and operational records shall be available at all times for inspection by the DRBC.

c. The wells, reservoir, and water filtration plant, shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the combined withdrawal from all water sources shall not exceed 35 million gallons. During any day, the withdrawal of surface water from the Furnace Creek Reservoir shall not exceed 0.5625 million gallons. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

| WELL NO. | MAXIMUM INSTANTANEOUS RATE | MONTHLY ALLOCATION |
|-----------------|---|-------------------------------|
| HMA-2 | 90 gpm | 4.0 mgm |
| HMA-3 | 310 gpm | 13.8 mgm |
| HMA-4 | 160 gpm | 7.1 mgm |
| HMA-5 | 350 gpm | 15.6 mgm |
| HMA-6 | 100 gpm | 4.4 mgm |
| HMA-7 | 300 gpm | 13.3 mgm |

e. The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.

f. The docket holder will continue to report monthly consumptive and non-consumptive surface water usage to the Commission on an annual basis.

g. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project’s final cost, using the formula and definition of “project cost” set forth in the DRBC’s project review fee schedule in effect at the time application was made.

h. This approval of the construction related to Well Nos. HMA-6 and HMA-7 as described in paragraph A.4.a of this docket shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has provided the Executive Director with written notification that is has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

i. Impounding operations and water diversions at the Furnace Creek Reservoir must not cause streamflow in Furnace Creek to be less than 0.225 cfs (0.14541 mgd) below the reservoir as measured at the downstream weir. When streamflow below the reservoir is less than 0.225 cfs as measured at the downstream weir, no surface water withdrawals shall be made and the entire natural in-flow to the reservoir as measured at the in-flow weir must be allowed to pass.

j. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

k. Each new water service connection shall include a water meter in accordance with the DRBC’s Resolution No. 87-7 (Revised).

l. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

m. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. The results of the first annual water audit shall be submitted to the Commission by March 31, 2013. Subsequent annual water audits shall be submitted annually to the Commission by March 31 every year thereafter.

n. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

o. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

p. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

q. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

r. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

s. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

t. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

u. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

v. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

w. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

x. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Section at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

y. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

z. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor

of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

aa. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: December 5, 2022